


OCT 05 2016

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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

UNITED STATES OF AMERICA

v.

WILLIAM RAY VIERS,

Defendant.

Case No. 7:14CR00045-01

MEMORANDUM OPINION

By: Hon. Glen E. Conrad
Chief United States District Judge

On February 10, 2015, the defendant, William Ray Viers, entered a plea of guilty to conspiracy to distribute methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1) and 846. He was subsequently sentenced to a term of imprisonment of 108 months. The defendant has now moved for a reduction in sentence under 18 U.S.C. § 3582(c)(2) and Amendment 782 to the United States Sentencing Guidelines. For the following reason, the motion must be denied.

Pursuant to its statutory authority, the United States Sentencing Commission has amended the Drug Quantity Table in § 2D1.1 of the Sentencing Guidelines, which provides the base offense levels for most federal controlled substance offenses (Amendment 782). The Sentencing Commission has further decided that, effective November 1, 2015, the amended guideline provisions will apply retroactively to defendants who were sentenced under prior versions of the guidelines and who are still incarcerated. The practical effect of the Sentencing Commission's actions is that certain federal defendants convicted of offenses involving controlled substances may be eligible for a reduction in their current sentences, pursuant to 18 U.S.C. § 3582(c)(2).

In this case, the defendant's applicable guideline range was calculated using the November 1, 2014 edition of the Sentencing Guidelines, which incorporated Amendment 782. Accordingly, the defendant already received the benefit of the Amendment. For this reason, his motion for reduction in sentence based on Amendment 782 must be denied.

The Clerk is directed to send copies of this memorandum opinion and the accompanying order to the defendant and all counsel of record.

DATED: This 5th day of October, 2016.

A handwritten signature in black ink, appearing to read "John Conrad", is written over a horizontal line.

Chief United States District Judge